

Pergolizzi et al.; Serial No.: 08/479,995 (Filed June 7, 1995)

Page 75 [Supplemental Amendment To Applicants' July 7, 2005 Amendment
Under 37 C.F.R 1.1165 (Following The September 8, 2005 Advisory Action)

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REMARKS

After entry of the complete listing of the claims provided above, claims now pending in this application include 283-362, 364-365, 367-369, 371-373, 376-378, 380, 382-383, 385-387, 389-391, 394-396, 398, 400-401, 403-404, 406-407, 409-439, 441-505, 507-508, 510-511, 528-547 and 550-552. Claims 366, 370, 374-375, 379, 384, 388, 392-393, 397, 402 and 408 have been canceled without prejudice or disclaimer. Claims 550-552 have been added by this paper. Entry of the above listing and claim amendments is respectfully requested.

Changes to the Claims

1. Claims Cancellations

As indicated above, claims 366, 370, 374-375, 379, 384, 388, 392-393, 397, 402 and 408 have been canceled in a sincere effort to remove the new matter rejection of these claims (35 U.S.C. §112, first paragraph). See May 27, 2005 Office Action, page 4, first paragraph. See also September 8, 2005 Advisory Action, page 2, last paragraph, continuing through page 4, first paragraph. The cancellation of these claims is made without prejudice or disclaimer to Applicants' right to pursue the subject matter of these claims at a later time.

2. New Claims 550-552

At the same that twelve claims have been canceled, Applicants have also added three new claims in the form of 550-552. Claim 550 is directed to "[a] polynucleotide sequence covalently attached to an antibody." Claim 551 depends from claim 550 and it recites "[t]he polynucleotide sequence of claim 550, wherein

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said antibody comprises a polyclonal antibody."¹ Lastly, claim 552 also depends from claim 550, and it recites "[t]he polynucleotide sequence of claim 550, wherein said polynucleotide sequence comprises a signal generating portion."

Support for new claim 552 is found in the specification, page 57, Example 31

Synthesis of a Protein Coupled to a Signal Generating Polynucleotide. Example of IgG Coupled to Chemically Radio-Labeled DNA.

Entry of new claims 550-552 is respectfully requested.

Favorable action on this application is also respectfully sought.

* * * * *

¹ It should be noted that former and previously canceled claim 506 had recited "[a] polynucleotide sequence covalently attached to an antibody."

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SUMMARY & CONCLUSIONS

This paper follows the September 8, 2005 Advisory Action.

As set forth in the complete listing of the claims provided above, the pending claims in this application include 283-362, 364-365, 367-369, 371-373, 376-378, 380, 382-383, 385-387, 389-391, 394-396, 398, 400-401, 403-404, 406-407, 409-439, 441-505, 507-508, 510-511, 528-547 and 550-552. CANCELLED are claims 366, 370, 374-375, 379, 384, 388, 392-393, 397, 402 and 408.² New claims 550-552 have been added.

This paper is accompanied by a Request For Extension Of Time (One Month) and authorization for the fee therefor. No other fee or fees are believed due in connection with the filing of this Supplemental Amendment. If any other such fee(s) are due, however, The Patent and Trademark Office is hereby authorized to charge the amount of any such fee to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If the Examiner has any questions, he is invited to contact the undersigned attorneys.

Respectfully Submitted



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² These claims are cancelled without prejudice or disclaimer to Applicants' right to pursue the subject matter of these claims at a later date or opportunity.

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